

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BANK OF NEW YORK MELLON,

Plaintiff(s),

vs.

IMAGINATION NORTH LANDSCAPES
 MAINTENANCE ASSOCIATION, et al.,

Defendant(s).

Case No. 2:16-cv-00383-MMD-NJK

ORDER

(Docket No. 55)

Pending before the Court is the parties' joint motion to extend discovery and continue trial. Docket No. 55. To prevail on a request to amend a scheduling order under Federal Rule of Civil Procedure 16(b), a movant must establish good cause. *See Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992); *see also* LR 26-4. The good cause inquiry focuses primarily on the movant's diligence. *See Coleman v. Quaker Oats Co.*, 232 F.3d 1271, 1294 (9th Cir. 2000). Additionally, a request made after the expiration of the subject deadline will not be granted unless the movant also demonstrates that the fact to act was the result of excusable neglect. LR 26-4.

Here, the parties filed their joint motion on August 9, 2016. Docket No. 55. Among the deadlines they seek to extend are the initial expert disclosure deadline and the interim status report deadline, which both expired on July 18, 2016. Docket No. 24 at 2-3. Therefore, the parties are required to establish excusable neglect to extend these deadlines. LR 26-4. The parties, however, fail to address – much less establish – excusable neglect. Docket No. 55 at 3-4.

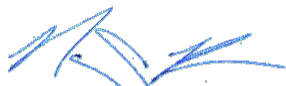
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1 As to the remaining deadlines, the parties seek a 90-day extension of discovery on the basis that
2 discovery motions are pending and Defendant Julie Christensen has only recently joined the case.
3 Docket No. 55 at 3-4. The parties seek a significant extension that would represent an additional 50%
4 of the amount of time that is presumptively reasonable to conduct discovery under the local rules. *See*
5 Local Rule 26-1(b)(1) (establishing presumptively reasonable discovery period of 180 days). However,
6 Plaintiff and Defendant SFR Investments Pool 1, LLC appear to have only conducted minimal
7 discovery, while there is no indication that Defendant Christensen has diligently conducted discovery.

8 Accordingly, the parties' joint motion to extend, Docket No. 55, is **DENIED** without prejudice.

9 IT IS SO ORDERED.

10 DATED: August 10, 2016

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NANCY J. KOPPE
United States Magistrate Judge
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